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TO: Arts & Sciences Faculty Affairs Committee
Faculty Assembly Executive Committee
Faculty Assembly Faculty Affairs Committee

FROM: Michael R. Halleran, Provost
Michael

DATE: September 13, 2016

SUBJECT: Memo Concerning Professor Dessler

I was very disappointed to read the memo you and others received from three emeritus faculty members concerning David Dessler's employment situation. My disappointment stems in part from their decision to send this memo without ever having approached me or anyone else in the administration who has knowledge of the case. Consequently, they failed to gather many of the facts of the complicated events and issues they raise.

The allegations made in this memo, if true, would indeed be alarming. None of them however, is true. While protecting Professor Dessler's privacy to the extent possible, I will address the issues raised in their memo and share important context that is missing in their characterization of them.

The primary allegation is that Professor Dessler has been terminated from his position without the processes afforded under the *Faculty Handbook*. This is false. Professor Dessler has not been terminated. The *Handbook* (Section III.D.3.a.1.) allows instructional faculty 120 days of paid "disability leave for medical inability to work due to illness, injury or pregnancy." The *Handbook* also clearly states that "the total number of days available may never exceed 120." If, after paid leave has been exhausted, the faculty member is unable to return to work, s/he may apply for long-term disability – or, if preferred, retire or resign his/her position. Otherwise, the faculty member is taken off the payroll but is not terminated and does not lose tenure, if held. In the instant case, when Professor Dessler's medical leave was expended in March of this year, I used my discretion to continue it through the end of the spring 2016 semester, hoping that he would either be able to return to work in the fall of 2016 or apply for long-term disability. We repeatedly informed Professor Dessler of the options available to him and the timeline of how long he could continue in a paid leave status. Professor Dessler provided no evidence that he is able to return to work and also did not apply for long-term disability. Therefore, after many communications about being removed from the payroll absent demonstration of his ability to return to work, he was removed from the payroll on August 10th, the official start of the academic year.

Professor Dessler's current status is, admittedly, unusual – but so are the circumstances. He has not been terminated, but, without an indication of an ability to return to work and with the exhaustion of his paid medical leave, he was removed from the payroll as there is no other reasonable status for him as a tenured faculty member. The *Handbook* does not suggest that someone who has exhausted medical leave and cannot return to work continues on the payroll; rather it explicitly limits the number of paid medical leave to 120 days. It does, however, as appropriately pointed out in the memo, present a defined process for “termination of an appointment for medical reasons” (III.H). This section of the *Handbook* imagines a different situation, namely, a faculty member not on medical leave who gives indication of being unable to carry out the essential duties of his/her position. But even if the current case is not exactly the same, I believe, as do the memo's authors, that this is the proper section for initiating termination for medical reasons, and it is this section of the *Handbook* through which such an action would be taken in regard to Professor Dessler or any other faculty member under these circumstances. I realize that the allegations made in the memo you received last Thursday, if true, would be troubling. I will be happy to meet with you so that you can have fuller information and we can discuss these issues.

MRH/cef

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